

HOUSE BILL 2209
By Winningham

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 7, Part 3 and Title 39, Chapter 17, Part 4, relative to certain controlled substances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 4, is amended by adding a new section thereto, as follows:

Section 39-17-452.

(a) The clerks of all courts of general sessions, circuit and criminal courts, and municipal courts exercising the jurisdiction of courts of general sessions shall collect the sum of ten dollars (\$10.00) for each misdemeanor offense and one hundred dollars (\$100) for any felony offense from any person who:

- (1) Enters a plea of guilty;
- (2) Enters a plea of nolo contendere;
- (3) Is adjudicated at trial; or
- (4) Enters a plea pursuant to any of the diversionary sentencing statutes to any criminal offense described below, or for attempt or conspiracy to commit any such offense, or for aiding, abetting, or acting in the capacity of an accessory in the commission of any such offense.

(b) The fee of ten dollars (\$10.00) for each misdemeanor offense and one hundred dollars (\$100) for any felony offense established in subsection (a) applies to any offense under the Tennessee Drug Control Act, compiled in title 39, chapter 17, part 4.

(c) This assessment shall be subject to the provisions of § 8-21-401(a)(6) and shall be in addition to all other taxes, costs, and fines. The assessment shall be paid to the clerks of the court imposing assessment, who shall transfer it to the state treasurer, who shall credit it to the

general fund and earmark it for use by the department of finance and administration for funding the operations of offices of district attorneys general in counties with high caseload statistics for prosecution for methamphetamine possession, sale, exchange and manufacture. The executive director of the district attorneys conference shall exercise authority under § 8-7-309 to draw and approve such funds to implement the provisions of this section. Any unspent moneys shall not be transferred or placed to the credit of the general revenue fund of the state at the end of each year, but shall remain deposited to the credit of the fund for prosecuting methamphetamine violations for future allocation. All funds expended pursuant to this section shall be solely for investigation and prosecution of methamphetamine violations.

(d) If the executive director of the district attorneys conference determines any funds expended pursuant to this section were not used for investigation and prosecution of methamphetamine violations such funds shall not be allotted to such counties for two (2) years following such determination.

(e) All books of accounts and financial records pertaining to funds received pursuant to this section shall be subject to audit annually by the comptroller of the treasury. One (1) copy of each audit shall be furnished to each member of the house and senate judiciary committees, the department of finance and administration and the comptroller of the treasury.

(f) The department of finance and administration and the comptroller of the treasury, or their designated representatives, shall have access to the books, records and accounts pertaining to funds received pursuant to this section whenever deemed necessary by either office.

SECTION 2. Tennessee Code Annotated, Section 8-7-309(a), is amended by adding a new subdivision thereto, as follows:

(7) Draw and approve all requisitions for the payment of public moneys allocated pursuant to § 39-17-452 for funding the operations of offices of district attorneys general in counties with high caseload statistics for prosecution for methamphetamine possession, exchange and manufacture.

SECTION 3. This act shall take effect July 1, 2004, the public welfare requiring it.